

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-22 have been rejected. Applicants have amended claims 1, 5, 7, 10, 13, 15 and 20. Claims 3 and 19 are canceled. No new matter has been incorporated as a result of this amendment.

Obviousness Rejections under 35 U.S.C. §103(a)

Claims 1-11, 13, and 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,172,990 to Deb et al. in view of Braccini et al., *Interprocess Communication Dependency on Network Load*, IEEE Transactions on Software Engineering, Vol. 17, No. 4, April 1991. Claims 12 and 14 stand rejected under Deb et al. in view of Braccini et al. and over U.S. Patent No. 5,909,564 to Alexander et al. In light of the amendments made to claims 1, 5, 7, 10, 13, 15 and 20, applicants respectfully request reconsideration of the application.

Although the Applicants believe that the original pending claims define over the art of record, the Applicants have amended the independent claims to further clarify the claims. Amended independent claim 1 includes the feature of determining whether each of the data segments is a control type data segment based on the type field value of the corresponding STP header. If the data segment is a control type data segment, then the method includes setting the sequence number in the sequence number field of the corresponding STP header, to the sequence number of the last sent stream data packet. Claims 13 and 20 have been amended to include the feature of determining whether each of the selected portions is a control type data segment based on the type field value of the corresponding STP header and setting the sequence number in the sequence number field of the corresponding STP header,

to the sequence number of the last sent stream data packet, if the data segment is a control type data segment.

In light of these Amendments, Applicants respectfully submit that amended independent claims 1, 13, and 20 are not disclosed or taught by the combination of Deb et al. in view of Braccini et al. There is no reference anywhere in the specification of Deb et al. or Braccini et al. that teach or suggest the assigning of sequence numbers to STP headers based on a type field value of a corresponding STP header to ensure that stream data packets are ordered in the correct sequence after going through a router.

Furthermore, in support of the 35 U.S.C. §103(a) rejection, the Examiner noted that Braccini et al. teach or suggest STP protocol and STP headers. Applicants respectfully traverse the Examiner's characterization of Braccini et al. relative to the independent claims because the portion of the reference relied upon by the Examiner does not specifically teach STP protocol and STP headers. Braccini et al. discloses the desirability of designing "lightweight transfer" protocols that are suited to specific applications for the purpose of "reducing the impact of background load on the service-time." As an example, Braccini et al. provides the ESP/EDP (Ethernet Sequencing Protocol/Ethernet Datagram Protocol) suite for use in bulk data transfer under an MS-DOS operating system environment through an Ethernet LAN (see page 365, section B). In contrast, the STP protocol allows for the adding of an IP header to the STP packets to facilitate data transfer between host computers using non-homogenous operating systems (i.e., each can operate using different operating systems like Windows, NT, Windows 2000, UNIX, LINUX, Sun Microsystems Inc., Solaris, etc.) unlike the ESP/EDP suite.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, the references as combined do not teach all the features of the claimed invention. Accordingly, Applicants submit that independent claims 1, 13, and 20 are patentable under 35 U.S.C. §103(a) over Deb et al. in view of Braccini et al. Claims 2, 4-12, 14-18, and 21-22, each of which depends directly or indirectly from independent claims 1, 13, and 20, respectively, are likewise patentable under 35 U.S.C. §103(a) over Deb et al. in view of Braccini et al. and Alexander et al. for at least the same reasons set forth for independent claims 1, 13, and 20. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 1-2, 4-18, and 20-22.

SUMMMARY

In view of the foregoing, the Applicants respectfully submit that all pending claims 1-2, 4-18, and 20-22 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is requested to contact the undersigned at (408) 744-6927. If any additional fees are due in connection with filing this request, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085B). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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